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SUBJECT: GHANAQS 180 ON BILATERAL INVESTMENT TREATY

REF: (A)ACCRA 01179 (B)STATE 91791

11. SUMMARY: (SBU) Shifting from its last formally communicated position (REFTEL A), Ghana is now back to a serious exploration of a Bilateral Investment Treaty with the United States. However, internal consultations within the relevant Ghanaian ministries will probably not be concluded in time for a negotiation with the USTR or for the current parliament to ratify any concluded agreement. Thus, conclusion of a U.S.-Ghana BIT will likely be work for the next GOG administration. END SUMMARY.

12. (SBU) In a meeting with the visiting DOS Ghana desk officer, officials from the Ghana Investment Promotion Corporation (GIPC) said they were still waiting for USTRQs response to a message that they sent about the BIT following the last formal dipnote from the Embassy on the topic. (Note: GIPC conceded they did not provide the Embassy with a copy of this message, nor had USTR received the described message.) Econoff suggested that GIPC could rely on Embassy Accra to relay all BIT related messages to Washington.

13. (SBU) The GIPC officials said that internal consultations are still going on among the various ministries, due to the U.S. model draft having multiple elements absent from GhanaQs other BIT agreements. However, GIPC stated that once the internal consultations were concluded, the GOG might be prepared to begin negotiations.

14. (SBU) COMMENT: Two of three questions posed by USTR in the August DVC (REFTEL B) remain outstanding: the GOG assessment of any challenging provisions of the U.S. BIT model, and any potential non-conforming measures Ghana may propose during formal negotiations. On timing, there is probably less than four weeks of business left for the current Parliament. Pressure may be on the GIPC from the Kufuor administration to conclude a BIT as a final accomplishment. However, support of GhanaQs next Parliament and President will be crucial for substantive implementation of the BIT. END COMMENT. Post will continue to encourage comprehensive internal GOG consultations, while managing time expectations. Post will explain the parameters for further direct discussions, and will facilitate prompt communication between the GIPC and USTR.

Teitelbaum